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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,896	07/05/2001	Sara Bern	2789-41	4353

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT PAPER NUMBER

2642

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/897,896	Applicant(s) BERN ET AL.	
	Examiner Hector A. Agdeppa	Art Unit 2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-49.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: PTO-892

Examiner: Hector A. Agdeppa
571-272-7480

Continuation of 3. NOTE:

Newly amended claims 1 and 26 change the scope of the invention by further limiting the present invention to include virtual subscriptions that allow for interception of a call. Note that while such limitations were present in previous claims, those previous claims were either independent or dependent from a different claim grouping than that of claims 1 and 26. Therefore, examiner was not given the opportunity to previously consider such amendments in claims 1 - 34.

As to applicant's arguments regarding claim 27, the claim language of claim 27 never mentions a virtual subscriber. Therefore, examiner maintains the previous rejection. Furthermore, as to claim 17, the referenced portion of Cox teaches that "changes in billing attributes" are detected, and of course, billing attributes while related to any ongoing call are also records associated with a subscriber. Again no mention of virtual subscriber is made in claims 27 - 34


As to applicant's arguments regarding claims 44 - 49, applicant has described on pages 1 - 3 of the specification that virtual subscriptions and virtual subscribers are old and well known in the art. Claims 44 - 49 do not recite any limitations regarding the invocation of call interception, but merely recite now a virtual subscription would be handled in an AIN system. Note that in the previous rejection, Cox was discussed as teaching adding such subscriber information to call data. Hence, Cox in view of applicant's admitted prior art would also read on claims 44 - 49, in addition to Cox alone.

As to applicant's arguments regarding claims 35 - 43, Cox teaches in some manner, adding trigger information to call data. In the previous office action, examiner,

Art Unit: 2642

wishing to explicitly show the use of virtual numbers/subscriptions in AINs used the combination of Cox and Benash. Because Cox teaches intercepting calls upon detection of a trigger, any virtual subscriber or number, as taught by Benash would trigger a suspension of call processing, i.e., an interception as is normal in any AIN system. For example, if a user subscribes to a particular AIN feature applicable to that user's number, everytime that user makes a call, the originating SSP or central office will suspend the call and will use the number to access further instructions from an SCP. Moreover, as noted above, applicant admits that virtual subscriptions such as calling card subscribers are known in the art and Cox teaches that a prepaid calling number can be used as trigger data. Therefore, Cox could read on the claimed invention even without Benash. Note that again, in any AIN system, a trigger would be used to suspend call processing for further instructions. This suspension is analogous to the interception as claimed by applicant. The trigger data could be most anything including the number of a virtual subscriber.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,864,612 (Strauss et al.) teaches trigger data being a calling subscriber line.


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